

ORIGINAL

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**Attorneys for Plaintiff**

U.S. DISTRICT &  
BANKRUPTCY COURTS

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FILED BY: JESSICA DAVIS  
Cameron C. Murray, Clerk

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF IDAHO**

KIMBERLEY SMITH, MICHAEL )  
B. HINCKLEY, JACQUELINE T. )  
HLADUN, MARILYN J. CRAIG, )  
JEFFERY P. CLEVINGER, and )  
TIMOTHY C. KAUFMANN, )  
individually and on behalf )  
of those similarly situated, )  
Plaintiffs, )  
vs. )  
MICRON ELECTRONICS, INC., a )  
Minnesota corporation, )  
Defendant. )

Case No. CIV 01-0244-S-BLW

**NOTICE OF ACCEPTANCE  
OF OFFER OF JUDGMENT  
TO CONDITIONALLY  
CERTIFIED CLAIMANT  
STEPHEN MILLER**

1. Stephen Miller is one of the conditionally certified claimants. Micron Electronics, Inc., is defendant.

NOTICE OF ACCEPTANCE OF OFFER OF JUDGMENT, P. 1

215

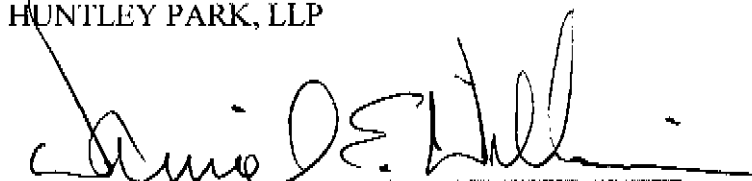
2. Plaintiff Miller sued defendant pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, and similar pendent state law claims.

3. On July 2, 2004, defendant served an Offer of Judgment to Named Plaintiff Miller, attached as Exhibit A, on plaintiff more than ten days before trial.

4. Plaintiff Miller, as authorized by Federal Rule of Civil Procedure 68, accepts defendant's Offer of Judgment and asks that the clerk enter judgment in accordance with the offer.

DATED this 12th day of July, 2004.

HUNTLEY PARK, LLP



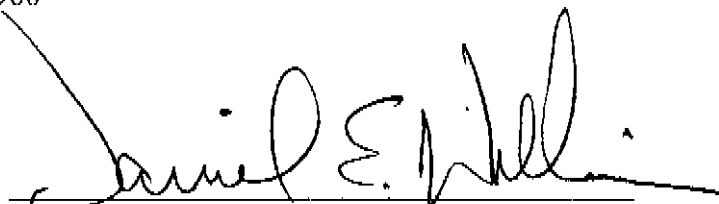
Daniel E. Williams  
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of July, 2004, a copy of the foregoing instrument was served upon opposing counsel as indicated below:

Kim J. Dockstader  
Gregory C. Tollefson  
STOEL RIVES LLP  
101 S. Capitol Blvd., Suite 1900  
Boise, ID 83702-5958

☐ By Hand Delivery  
☒ Via Fax: 389-9040  
☒ Via U. S. Mail



Daniel E. Williams

Kim Dockstader, ISB No. 4207  
Gregory C. Tollefson, ISB No. 5643  
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Attorneys for Defendant Micron Electronics, Inc.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

KIMBERLEY SMITH, MICHAEL B.  
HINCKLEY, JACQUELINE T.  
HLADUN, MARILYN J. CRAIG,  
JEFFERY P. CLEVENGER, and  
TIMOTHY C. KAUFMANN, individually  
and on behalf of those similarly situated,

Plaintiffs,

vs.

MICRON ELECTRONICS, INC., a  
Minnesota corporation,

Defendant.

Case No. CIV 01-0244-S-BLW

**OFFER OF JUDGMENT TO  
CONDITIONALLY CERTIFIED  
CLAIMANT STEPHEN MILLER**

Defendant Micron Electronics, Inc. (hereinafter "Defendant"), by and through its attorneys of record, Stoel Rives LLP, hereby offers to allow judgment to be taken against it by conditionally certified claimant Stephen Miller (hereinafter "Claimant") in the sum of Ten

**OFFER OF JUDGMENT TO CONDITIONALLY CERTIFIED CLAIMANT STEPHEN  
MILLER - 1**

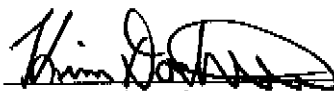
Boise-172711.1 0026493-00046

Thousand and 00/100 Dollars (\$10,000.00), which amount shall be deemed to include all claims recoverable, including any attorneys' fees and any costs allowable by law, which have been incurred to date.

This Offer of Judgment is made for the purpose specified in Rule 68 of the Federal Rules of Civil Procedure. It shall be automatically withdrawn ten (10) days after the service of the offer and is not to be construed either as an admission that said Defendant is liable in this action or that Claimant has suffered any damages.

DATED this 2nd day of July, 2004.

STOEL RIVES LLP

A handwritten signature in black ink, appearing to read "Kim Dockstader", is written over a horizontal line.

Kim Dockstader

Attorneys for Defendant Micron Electronics, Inc.

**OFFER OF JUDGMENT TO CONDITIONALLY CERTIFIED CLAIMANT STEPHEN  
MILLER - 2**

Boise-172711.1 0026493-00046

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 2nd day of July, 2004, I caused to be served a true copy of the foregoing **OFFER OF JUDGMENT TO CONDITIONALLY CERTIFIED CLAIMANT STEPHEN MILLER** by the method indicated below, addressed to the following:

William H. Thomas  
Daniel E. Williams  
Christopher F. Huntley  
HUNTLEY PARK LLP  
250 South Fifth Street  
PO Box 2188  
Boise, Idaho 83701-2188  
Fax: 208 345 7894

☒ Via U. S. Mail  
☐ Via Hand-Delivery  
☐ Via Overnight Delivery  
☒ Via Facsimile

  
\_\_\_\_\_  
Kim Dockstader

**OFFER OF JUDGMENT TO CONDITIONALLY CERTIFIED CLAIMANT STEPHEN MILLER - 3**

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